

IN THE UNITED STATES DISTRICT COURT FOR NORTHERN
 DISTRICT OF Illinois
 EASTERN Division.

RECEIVED

7-7-2008
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Miguel Rivera #64650.

PLAINTIFF,

VS.

MICHAEL W. DOBBINS
 CLERK, U.S. DISTRICT COURT

08cv3848

JUDGE HOLDERMAN
 MAG. JUDGE ASHMAN

CASE No.

Hon. Judge Edward, Fiata,
 Hon. Judge, Marjorie Laws, C.,
 Atty. Frank, Edward, and A/S/A. Skipper, Pfeifer,
 Det. Robert, Chomens, and G/o. J. Valencia,
 Det. Karen, Skipper,
 Dept. of Chicago F.B.I. - And Agent - Jeff,
 Donald, Carson, - Heather, Carson,
 States. Atty. Dan, Tierman, And
 States. Atty. Arunas, Buntinas,
 Public Defender. Monica, Johnson, And Ms. Lynn, Wilson, and.
 Todd, A. Shanker. - Andrea, Monsees, Lester, Sinkle,
 Chief. of The Fort Myer, FL States Attorney-offices,
 Chief of The Public Defender's offices:
 Ms. Vizik, Rogers, And OFFICIAL COURT- Reporter.
CLAUDIA M. Lemon, CSR, AND KENNETH, Macdoct,

Defendants,



COMPLAINT is under THE CIVIL RIGHTS ACT

TITLE 42 SECTION 1983 U.S. CODE.

CASE OF WRONGFUL CONVICTION CONVICTION AND
WRONGFUL SENTENCING,

I. PLAINTIFF: MIGUEL RIVERA, #64650 IS PRESENTLY INCARCERATED AT
Penitentiary of NM Correctional Facility. ~~138-9-10311~~. P.O. DRAWER-1001.
Los Lunas, New Mexico 87508-1530.
Sant Fe,

II. DEFENDANT. Judge: Edward, Fiola, is AN Court Judge AT The U.S.-CRIMINAL
COURT House of Cook County AT 2650 S. CALIFORNIA Ave. Room 600, CHICAGO,
ILLINOIS. 60608. AND AS SUCH IS THE HEARING JUDGE OF COURT-REPORT OF
PROCEEDINGS OF DECEMBER 12TH day. AND SAID TRIAL JUDGE ON #13TH day OF
DECEMBER OF 2001, AND IS ULTIMATELY RESPONSIBLE FOR SAID WRONGFUL -
CONVICTION. AND WRONGFUL SENTENCING WITH AN EXTENDED TERM OF
THREE COUNTS OF KIDNAPPING CONCURRENT OF 40 YEARS - 5 YEARS TERM
FOR ONE COUNT OF AGGRAVATED BATTERY, AT 85% AN said Judge. He IS
BEING SUED IN HIS OFFICIAL AND INDIVIDUAL CAPACITY,

DEFENDANT. Judge: MarJORIE C. LAWS, IS AN Court Judge AT The U.S.-
CRIMINAL COUNT House of Cook County AT 2650 S. CALIFORNIA Ave. Room 300,
Chicago, Illinois, 60608. AND AS SUCH IS THE HEARING JUDGE PRESIDING ON
PETITION FOR POST-CONVICTION RELIEF, OF CASE 01-CR-2646. AND AS
SUCH IS RESPONSIBLE FOR NOT REVIEWING NOR INVESTIGATING SAID POST-
CONVICTION CAUSE. AND DISMISSING SAID POST-CONVICTION RELIEF ON Sept 18th 2001
- 14TH day of 2001, WITHOUT CALLING THE F.B.I. NOR JURY WITNESS MS.
SHARON LUNN, AND MRS JENNIFER SCHUMAL, NOR DETER'S ROBERT ^{CLEMENTS} AND
DETER'S KAREN SKIPPER, NOR THE INVESTIGATING ASA - SKIPPER #20598 ON
JAN 11th 2001. AND NOT INVESTIGATING POLICE REPORTS FROM POLICE IN FORT MYERS FL.
NOR STATE'S ATTORNEY'S OFFICE, AND ALLOWING THE BPD PUBLIC DEFENDER
ANDREA MONSEES, NOT TO CONDUCT AN INVESTIGATION NOR QUESTIONING
AND SUBPOENA EACH OF THEM FOR CAUSE. AND JUDGE IS ULTIMATELY
RESPONSIBLE, AND BEING SUED IN HER OFFICIAL AND INDIVIDUAL
CAPACITY,

DEFENDANT. ATTORNEY. FRANK, Edwards IS THE TRIAL ATTORNEY FOR THE
DEFENDANT. MIGUEL, RIVERA, IN CASE NO. 01-CR-2646. THAT
WAS INEFFECTIVE ASSISTANCE OF COUNSEL, IS AN ATTORNEY LAW OFFICE
AT 4637 SO. LAKE PARK, CHICAGO, ILLINOIS. 60653, AND SUCH IS IN RELATED
IN FAILING TO INTRODUCE EVIDENCE SUCH LETTER'S PROVEN THAT THEIR
WASN'T NO KIDNAPPING. BEFORE TRIAL AND AT TRIAL, AND HE NEVER RETURN
THE EVIDENCE BACK TO MR. M. RIVERA. AND IS ULTIMATELY RESPONSIBLE
FOR THIS WRONGFUL - CONVICTION - AND ~~IS~~ WRONGFUL - SENTENCING,

Defendant. Det. Robert, CleMens, is AN Chicago. Police officer At The AREA Three VIOLENt CRIMES - UNIT At The Chicago. Police department 2452 W. Belmont Ave. Chicago, Illinois. 60618. And AS such is The ARRESTING officer of This wrongFul Charge's of Three CountS of kidnapping, From Florida To Chicago AND CALLING The Chicago's F.B.I. UNLEGAL serGe, BY FORCE With Det. KARN, SKIPPER, F.B.I. Mr. JEFF, FOR A CRIME THAT was NOT committed. And such is ULTIMATELY Responsible For wrongFul - ARREST AND wrongFul Charge's, He is being sued in his OFFICIAL AND INDIVIDUAL CAPACITY,

Defendant. Det. KARN, SKIPPER, is AN Chicago. Police officer At AREA Three VIOLENt CRIMES - UNIT, At The Chicago's Police department 2452 W. Belmont Ave. Chicago, Illinois. 60618. AND such is ULTIMATELY Responsible For wrongFul ARREST and wrongFul Charge's of Three CountS of kidnapping. AND Prohibiteding STATEMENTS AND OTHERe Police Reports, Along with Det. Robert, CleMens, AND The F.B.I. - ABSENT - Mr. JEFF, FOR A CRIME of kidnapping THAT was NOT committed. AND doing UNLEGAL serGe - BY FORCE. She is being sued in Her OFFICIAL AND INDIVIDUAL CAPACITY,
DE

Defendant. C/o. J. ValeMCIA, is AN eta Chicago. Police officer At The AREA Three At 2452 W. Belmont Ave. Chicago's - Police department IN Chicago, Illinois. 60618. AND AS such is The Testifying officer At TRIAL - STATInG He didn't know IF their was AN kidnapping. Charge's, due To Heather, CARSONS, STATEMENTS. With Det. KARN, SKIPPER, THAT She went To Live with Miguel Rivera, WILLINBLY AS A FAMILY with her Two Children - - Nicholas, AND Isaiah. AND Ms. H. carson, TESTIFY To A TRIAL OPEN COURT AND JURY People on December 13th. 2001. THAT She AND Two Children Lived With MR. M. Rivera. AND AS is ULTIMATELY Responsible For wrongFul Police Reports. He is being sued in his OFFICIAL AND INDIVIDUAL CAPACIT,

Defendant. A-S-A-~~PROTTER~~^{PEEFER}, ~~2015-2108~~, IS The STATE ATTORNEY That interview Mr. M. Rivera in Lock up With Dets k. skipper, Said STATES ATTORNEY IS To be AT The OFFICE of 2650 S. CALIFORNIA. AVE. in CIRCUIT COURT Chicago, Illinois. 60608. AND AS such is ULTIMATELY Responsible For help bein The Chicago's Police DeteS. - - SET UP Rivera on wrongFul Charge's, With The F.B.I. Mr JEFF, AND Det. Robert, CleMent, She is being sued in Her OFFICIAL AND INDIVIDUAL CAPACITY

Defendant. Donald, Carson, is the Father. of Heather, Carson, is at 828 Paplar Lane. in BalaNYBrook, Illinois. 60440. And as such is ULTIMATELY Responsible For wrongFUL-Testimony At Trial To A CRIME OF kidnapping For the STATES ATTORNEYS. OFFICE THAT Was not committed NOR ARRESTED FOR, AND He Perjury. himself AS Heather, Carson, did on the Trial stand on Dec. 13th 2001. And he is being sued in his OFFICIAL AND INDIVIDUAL CAPACITY,

Defendant. Heather, Carson, is at the Father's Home At 828- Paplar Lane. in BalaNYBrook, Illinois. 60440. OR At 10. Doreen, O'DAY 1031 14Th St. S. Wisconsin Rapids, WI 54494. And as such is being sued on unlawful Testimony AND PerJury under OATH After STATING Two Jury Ladies. Ms. SHARON, JUNN, -- JENNIFER, SCHUMAHL, she weren't kidnapped They Lived with MR. RIVERA. Judge. MR. FIALA, Then STATED To the COURT Report To STRIKE THAT? Then The Jury Ladies Removed THEM selfs From The Jury, AND She is being sued in her ILLIGAL INDIVIDUAL CAPACITY.

Defendant. STATES ATTORNEY. Dan, TierNAN, is the STATE'S ATTY. OFFICE At The CIRCUIT COURT OF COOK COUNTY, 2650 S. CALIFORNIA Ave. in Chicago, Illinois. 60608., AND AS SUCH is ULTIMATELY Responsible For Taping The TRIAL JURY. AND wrongFUL-convictions AND wrongFUL-SEEING sentencing. Along with Judge. Edward, FIALA, AND TRIAL ATTY. FRANK, Edwards, AND STATE'S ATTY. ARUNAS, - BUNTiNAS, P.D. MONICA, JOHNSON, AND He is being sued in his OFFICIAL AND INDIVIDUAL CAPACITY.

Defendant. STATES -ATTY. ARUNAS, BUNTiNAS, is The State's ATTY. OFFICE At The CIRCUIT COURT of COOK COUNTY. 2650 S. CALIFORNIA-Ave. in Chicago, Illinois. 60608., AND AS SUCH is ULTIMATELY Responsible For JURY-TAPING At TRIAL. AND For wrongFUL-charges AND convictions. AND sentencing, Along with Judge. Edward, FIALA, AND TRIAL ATTY. FRANK, Edwards, AND STATE'S ATTY. Dan, TierNAN, P.D. MONICA, JOHNSON, AND He is being sued in his OFFICIAL AND INDIVIDUAL CAPACITY.

Defendant. Monica, Johnson, is a P.D. Atty. At The Cook County - Public Defenders. Office in The Circuit Court of Cook County, At 2650 S. California Ave. in Chicago, Illinois, 60608. And As Such is ULTIMATELY Responsible For helping The State's Attorneys Office AND Trial Judge. Edward, Fiala, AND Trial Atty. Frank, Edwards, For Fixing A Wrongful Convictions. And Wrongful Sentence in Go of Wrongful Charges of Kidnapping. And For Failing To do A investigation and For Prohibiting Evidence such as Letters. into Court and Trial, When she was Removed From The Case in June of 2001. And She is being sued in her OFFICIAL AND INDIVIDUAL CAPACITY.

Defendant. Todd, Shanker, is a P.D. Atty. At The Public Defenders. Office At 69 W. Washington. 15th. Flr. Chicago, Illinois 60602. And As Such is ULTIMATELY Responsible For NOT doing A investigation in Said Wrongful Charges. And Wrongful Conviction's, And Throwing The First APPEAL For The State's Attorneys Office. And He is being sued in his OFFICIAL AND INDIVIDUAL CAPACITY.

Defendant. Andrea, Monsees, is a P.D. Atty. Cook County Public - Defenders office At 69 W. Washington. 15th. Flr. Chicago, Illinois 60602. And As Such is ULTIMATELY Responsible For Refusing To Contact witness. And Jury lady's. Sharon, Lynn, -- Jennifer, Schumal, That will give statement to her being a Jury Part's. And will Testify in open Court, Their wasn't (no) kidnapping committed. She Refuse To INVESTigate The F.B.I. AND Dets. Rober, Clemons, Karn, Skipper, The Evidence in Ruth Myers Florida STATE Atty. Office That have prove with the Lee County Police. THAT (no) That their's No-kidnapping or Arrest for, AND This PUBLIC DEFENDER is DEFENDANTING Monica, Johnson, AND Refuse To INVESTigate Judge. Edward, Fiala, AND Atty. Frank, Edwards, and A Doctor is A witness. The cause of being Heather and Miguel Doctor, AND she AND Judge. Laws, Refuse To Give discovery AND ALL Police Reports AND Statements. AND As Such is being sued in her OFFICIAL INDIVIDUAL CAPACITY.

Defendant. Lester, Sinkle, is The Head Prison. or Head of ALL Public Defenders office of ATTORNEYS. Cook County At 69 W. - Washington. St. 15th. Flr. Chicago, Illinois, 60602. AND as Such is ULTIMATELY Responsible For Said PD's. ATTORNEYS ON Case's. Ol CR-26460 Wd06-2788. Wrongful Conviction and Wrongful Sentence sued in His OFFICIAL AND INDIVIDUAL CAPACITY,

Defendant, Chief of the Foruth Myers Florida State's Attorneys office at Foruth Myers Lee County Court house, on Dr. L. King Blvd. in Foruth Myers FL. And as such is ultimately responsible for the arrest of hit and run in a car. And out of state hit on a ABB-Battery for from Chicago, Illinois. And As. Attorney's office did a investigation. Heather, Carson, stated she and kids weren't kidnapped. They lived with Miguel, Rivera, and as such is being sued for with holding ALL Police Reports. And statements. And as such is being sued in their official individual capacity.

Defendant, Vicik, Rogers, is the Chief of the Public Defenders office at 69 W. Washington, 16th. FLR. Chicago, Illinois 60602. And as such is ultimately responsible for Andrea, Monsees, for ordering not too Miguel, Rivera, no help in doing a investigation in the case to prove his innocence. Too lose the Post-Conviction case No. 01-CR-2646. Throwin's said cause two As. Attorney's office, and refusing her staff not to look into the evidence in Florida. Two prove the plaintiff innocent. And for refusing Mr. M. Rivera, an copy of discovery ALL Police Reports and said statements of Det. KAREN, - skipper, the enter writing Heather, Carson, stating she was not kidnapped. And as such is being sued in her official individual capacity,

Defendant, CLAUDIA, M. Lemon, CSR. is a official court reporter at the Circuit Court of Cook County, at 2650 S. California Ave. in Chicago, Illinois. 60608. And as such is ultimately responsible for tapering with trial transcribe, and fixing the trial - transcribe for Judge Edward, Fiala, on a wrongful convictions at trial on December #12th. and Dec #13th. of 2001. And as such is being sued in her official individual capacity.

Defendant, Ms. Lynn, Wilson, is a public defender atty - that was assign to case No. 06-2788. After #17 to 18 months, and she at 69 W. Washington St. 15. FLR. Chicago, Illinois 60602. And as such is ultimately responsible being ineffective assistance of counsel and filing motions without letting the plaintiff know ANYTHING. So she is being sued for her being unofficial individual capacity playing roll ineffective and assistance of counsel. Not informing Mr. Rivera of being counsel and filing ~~multiple~~ wrongful motions,

.The RESULT OF PLACING The COOK COUNTY PUBLIC DEFENDERS OFFICE IN SAID CAUSE THEY REFUSE TO DO A INVESTIGATION. AND TO INTERVIEW WITNESS AND TO GET STATEMENTS FROM THE JURY WITNESS'S, KNOWING THE CASE WAS FIXED FOR THE STATE'S ATTORNEY OFFICE. ALSO WITH PUBLIC DEFENDER MONICA, JOHNSON, AND ATTY. FRANK, EDWARDS, JUDGE. EDWARD, FIALA, THE F.B.I. AND DETS. ROBERT, CLEMENS, KAREN, SKIPPER, ON WRONGFUL-CHARGES AND WRONGFUL CONVICTIONS AND WRONGFUL SENTENCING, EVEN ON THE APPEAL AND POST-CONVICTION.

I HAVE FILED DISCIPLINARY COMMISSION WITH ATTORNEY REGISTRATION ON ATTY. FRANK, EDWARDS, AND FILED WITH THE JUDICIAL INQUIRY BOARD ON JUDGE. EDWARD, FIALA, AND JUDGE. LAWS, AND THE PLAINTIFF MR. RIVERA, DON'T KNOW WHERE TO FILE NO ON COOK COUNTY PUBLIC DEFENDERS-ATTYS. NO RELIEF,

THIS CASE HAVE GONE ALL THE WAY TO THE SUPREME COURT. AND BACK TO THE LOWER COURT. AND IS BACK ON APPEAL, BUT JUDGE. BELL, REFUSE TO APPOINTMENT OF COUNSEL OTHER THAN PUBLIC DEFENDER OFFICE.

(7).

STATEMENT OF CLAIM

ON AUGUST 27, 2000. BETWEEN 10:30 TO 11:00 PM I MIGUEL RECEIVED A PAGER CALL FROM MY GIRLFRIEND HEATHER, SAYING SHE WANTED TO TALK CONCERNING OUR RELATIONSHIP PROBLEMS. AT THAT POINT-TIME HER BOYFRIEND MICHAEL WHO SHE WAS RUNNING BACK AND FORTH TWO. SHE WAS STAYING WITH HEATHER GAVE THE TELEPHONE TO MICHAEL. AND THEN HE STATED HE WANTED TO DISCUSS SOME MATTERS WITH ME ALSO. MICHAEL ASKED ME IF I WAS WORKING AND WANTED TO KNOW IF I COULD HELP OUT BY GIVING HIM A RIDE TO WORK. I THEN STATED I COULD DO IT, ON AUGUST 28, 2000. ON OR ABOUT BETWEEN THE HRS' OF 5:30 TO 6:10 AM. I, MIGUEL WAS ON GRANVILLE RD WAITING BESIDE MY CAR. WE GREETED EACH OTHER AND I ASKED IF IT WAS ALRIGHT IF I TALKED WITH HEATHER. HE STATED ~~IT~~ YES AND WE PROCEEDED TO HIS APT. WHILE WE WERE APPROACHING THE APT HE, MICHAEL ASKED WHAT I WANTED TO DISCUSS WITH HEATHER, I THEN STATED THAT'S BETWEEN HER AND I. WE HAD TO WALK THROUGH THE SECURITY LOBBY TO ENTER MICHAEL'S APT HOUSE, AND AT NO TIME DID MICHAEL SHOW ANY CONCERNS OF IT BEING ANY TROUBLE BY MIGUEL BEING THERE AS WE APPROACHED HIS APT, MICHAEL KEYED THE DOOR AND WE ENTERED. HE NOTICED THAT HEATHER WAS IN THE BEDROOM. WHEN I SAW HEATHER SHE PLEADED WITH ME ABOUT DISCUSSING OUR PROBLEMS ELSE WHERE AND SHE WANTED TO LEAVE AT THAT TIME MICHAEL ENTERED THE BEDROOM AND SHOUTED, "I'M TIRED HEATHER OF YOU CALLING MIGUEL EVERYTIME WE HAVE A PROBLEM AND THE SAME THING WITH HIM. YOU'LL CALL ME EVERYTIME THE TWO OF YOU HAVE PROBLEMS. THEN AT THIS POINT AND TIME HEATHER AND I STARTED GATHERING UP THE KIDS AND BELONGINGS AND WHILE I WAS HEADED TOWARD THE STAIRS MICHAEL CAME RUNNING OUT THE ROOM AREA WITH HIS HAND HIGH ABOVE HIS HEAD I COULDNT REALLY SEE WHAT HE HAD, BUT WE STARTED FIGHTING AT THAT MOMENT WE STUMBLED TO THE STAIRS AND WHEN WE GOT UP, I COULD SEE MICHAEL HAD BLOOD COMING FROM THE FRONT OF HIS SHIRT. THEN AS MICHAEL RAN OUT THE APT SECOND DOOR UP STAIRS HEATHER CAME DOWNSTAIRS WITH THE KIDS AND SHE STATED HE'S GOING TO GET CALL THE POLICE THEN WE LEFT,

ON AUGUST 28, 2000. FROM MICHAEL'S HOUSE WE STOPPED AND GOT GAS FOR THE CAR. FROM THERE, WE STOPPED AT AN APT. IN CICERO, IL TO PICK UP CLEAN CLOTHING SO WE ALL TO WERE. THEN TO A MOTEL IN NORTH RIVERSIDE AND SLEPT OVERNIGHT. "AT NO TIME DID SHE "HEATHER" EVER FEEL THAT SHE NOR HER TWO KIDS WAS BEING FORCED TO BE WITH MR. M. RIVERA. WHAT SO EVER, "HEATHER" HAD A LOT OF AMPLIE OPPORTUNITIES TO GO TO OR CALL THE AUTHORITIES IF SHE FELT THAT I WAS HOLDING HER AGAINST HER WILL. AND A.S. ATTORNEY MATTIE MS. PEPPER, SET THE WRONGFUL CHARGES IN PLAY WITH DET. R. CLEMENS. ON JAN 11TH 2001.

(8).

"ON SEPTEMBER 1, 2000. MY MOTHER-EMILY RIVERA, HEATHER CARSON, AND her kids AND MIGUEL RIVERA, WENT TO THE "CURRENCY EXCHANGE" TO PICK UP OUR S.S.I. CHECKS - WE TAKING MS. RIVERA BACK TO THE NURSING HOME, THEN WE EVEN WENT STRAIGHT DOWNTOWN TO THE GREYHOUND-BUS-TERMINAL WHERE WE PAID \$345.00 FOR THREE #3-TICKETS TO GO TO FORT MYERS FLORIDA, WE GOT TO FLORIDA ON ~~WE~~ SEPT 3, 2000. HEATHER AND KIDS AND MIGUEL STAYED IN ANOTHER MOTEL FORE TWO 1/2 DAYS THAT SATDAY WE HAD RENTED A APT. ON 9-5-00. AT 602 SE. 13TH ST. CAPE CORAL FL. 33990. UNDER THE NAME'S MIGUEL RIVERA, AND HEATHER CARSON, WITH CITY HALL OF CAPE CORAL. NEXT DOOR THE CAPE CORAL POLICE DPT. # AND ONE 1/2 BLOCKS FROM OUR HOME. AND AT NO PARTICULAR TIME DID HEATHER ATTEMPT TO CALL NOR GO TO ANYONE CONCERNING ANY TROUBLE. AFTER LIVING IN THE APT. A WEEK OR SO WE HAD TO THE SOCIAL SECURITY OFFICE IN NORTH RIVERASIDE, IL. AND THE 1-800 NUMBER. TO HAVE OUR S.S.I. CHECKS TRANSFERRED TO FL. NOW CONCERNING THIS I.E.; KIDNAPPING, WHILE ALL THE TIME I WAS WORKING FORE HAYWARD CONSTRUCTION COMPANY. IN FLORIDA, I WAS GOING THROUGHOUT FLORIDA BUILDING NEW HOMES. NOT ONE TIME DID HEATHER EVER GO TO ANY AUTHORITIES TO STATE SHE AND HER KIDS WERE BEING HELD AGAINST HER WILL? FORE THE NEXT FOR(4) MONTH'S LIVING IN FLORIDA, WHILE GOING SHIPPING AND SAVING TO CHRISTMAS PARTYS! HEATHER, CARSON, EVEN FILE FORE PUBLIC AID FOR FOOD STAPES. THIS IS THE BEST OF MY RECOLLECTION TO WHAT DID HAPPEN ON THESE DAY AND NIGHTS PERTAINING THESE INCIDENTS, EVEN OUR SON OFFONZO RIVERA, BORN IN FL AS WELL TO. NOW DET. KARN, SKIPPER, POLICE GENERAL PRESS REPORTS AND SUMMARY REPORTS AND HEATHER, CARSON, STATEMENT REPORTS, "DO NOT STATE SHE NOR HER KIDS WERE KIDNAPPED, THEY STATE WE LIVED WITH MIGUEL IN FLORIDA. BUT AT TRIAL MS. CARSON, TESTIMONI TESTIFIED TO A JURY MS. JENNIFER SCHUMAL, MS. SHARON LIMON, ON THE WITNESS STAND "WE LIVED WITH MIGUEL RIVERA" AND HEATHER. ALSO STATED TO THE JURY SHE BELIEVED SHE DON'T BELIEVE SHE SAW MIGUEL THROW SOME KNIFE OVER A CEMETERY WALL? AND HE WASN'T ARMED AFTER THAT, THEN COURT OFFICIAL REPORT, MS. CLAUDIA M. LEMON, AND JUDGE EDWARD, FIALA, ORDER THESE TESTIMONY OUT OF THE RECORDS. THEN AT SENTENCED DATE, THE DEFENDANT COUNSEL-ATTY. FRANK EDWARDS, TESTIFIED THAT MR. DUFFIN. IF HE WAS TO TESTIFY HE WOULD TESTIFY TO MISS CARSON. IN THE APARTMENT DID NOT SEE A KNIFE. BUT SHE SAW THE KNIFE WHEN MR. RIVERA THREW IT OVER THE WALL AND HE WAS LEAVING OUT OF THE APARTMENT. BUT THEN DET. ROBERT CLEMENS, POLICE REPORTS STATES THAT AFTER FORE(4)-MONTH'S AFTER THE ASS-BATTERY, IN JANUARY OR ABOUT FEBRUARY OF 2001. HEATHER, CARSON, WENT TWO THE ROSE WELL CEMETERY. AT 10: PM THEN THE NEXT DAY THEY WENT BACK, DO TO HAVE SAW SON WITH MEDICALS. DETIC DERS DID NOT WORK. THIS IS THE SAME DET. ROBERT CLEMENS, THAT ARRESTED MR. M. RIVERA AND BEAT HIM UP PUTTING IN THE HOSPITAL ON IRVING PARK RD - WESTERN AVE. IN 1990. ON 5-21-1990 FORE AN RESIDENTIAL BURGLARY,

But When Said Cause Comes before the court The Public defenders OFFICE Refuse To listen To even INVESTIGATE This case. AND Judge's IN COOK COUNTY COURT House, The Post-CONVICTION THAT Was IN FRONT OF Judge M.C. LAWS, Shouldnt have BEEN THIS IT dismissed. AND The Public Defender Ms.A. MONSEES, Refuse To speak With Jury- People THAT did witness. A WRONGFUL WRONGLY JURY TRIAL, BY A FIXED CONVICTION BY SAID DEFENDANTS. And Judge. EDWARD, FIALA, P.D. MONICA, JOHNSON, AND ATTY. FRANK, EDWARDS, Who THAT Judge. Edward, FIALA, did INFACED Ask for ATTY. FRANK, EDWARDS, To Represent MIGUEL, RIVERA, AND said STATES-ATTY. DAN, TIERNAN, -- ARUNAS, BUNTIHAS, To Fixs This cause IN FAVOR To The STATES AND Judge. FIALA, BY INFORING A Duobble JePerdy ACT. INFORING AN WRONGFUL CONVICTIONS AND WRONGFUL SENTENCING, Were The PLAINTIFF Was convicted IN 1992 Was giving #12 yrs. AT 50% he serve #6, AND was let out IN 1997. Now The PLAINTIFF Was convicted AND WRONGFULLY-SENTENCING of Three Counts of KIDNAPPINGS. THAT WASN'T COMMITTED ON 8-28-00, IS NOW SERVING #40-YEARS AT 85% WITH AN EXTENDED TERM. MEANING Judge. FIALA, IMPOSE A Death life or Death SENTENCING? Without Letting The JURY see HEATHER. CARSONS. LETTERS TO MIGUEL, RIVERA, STATING She AND her Two kids were NOT KIDNAPPED. MEANING Their isn't NO REAL EVIDENCE AT ALL; AND The F.B.I. WAS TALK WITH When They Pulled GUN'S ON MIGUEL, RIVERA. SISTER MARIA, RIVERA, AND HER kids ON OR ABOUT 8-29-00 8-30-00. AND MIGUEL. did CALL The F.B.I. ON 8-29-00. Judge. FIALA. INFORCED This WRONGFUL CONVICTION -- SENTENCING FOR The STATE ATTORNEYS AND MONICA. JOHNSON- P.D.O. FOR his RETIREMENT, IN THE MONTHS OF MAY OR APRIL OF 2001. HEATHER, CARSON, MAKES A PHONE CALL TO A MR. NOEL, RIVERA, KNOWING TO MIGUEL are Friends. HEATHER INFORMS NOEL THAT MIGUEL, RIVERA, IN JAIL AT COOK COUNTY JAIL he NEEDS help, AND the POLICE REPORTS - HEATHER, CARSON, STATEMENTS TOLD DEF. KAREN, SKIPPER, AND ROBERT CLEMENTS THAT MIGUEL'S, SISTER -- MARIA, RIVERA, TAKING A DRIVE TO TOO THE STORE? AFTER #17 TO 18 MONTH The PUBLIC DEFENDERS OFFICE JUST BE GGIN TO TAKE MY ~~COLLECT~~ CALLS IN THE MONTH OF APRIL 22, 2008. I CALLED TO GET EMERGENCY HELP do To MEDICAL Trouble I BEEN havin'S ON GOIN'S BLEEDIN'S FROM HEMPOIDS... I NEED SURGERY SURGERY, AND I HAVE AN HERNIA... AND ~~THE~~ LUMBS TETTIC'S. The STATE of NEW MEXICO PRISON'S ARE REFUSING ME (SURGERY) BUT I FOUND OUT BY THE PUBLIC DEFENDERS OFFICES AND JUDGE BELL. JUST ~~ASIGN~~ A P.D. TO MY CASE. A MIS. LYNN, WILSON I THEN CALL BACK ON MAY 14TH 2008. ONE OF THE SUPERIOERS. MR. HAROLD J. WINSTON, HAVE TO GO TO GET P.D. MIS. LYNN WILSON, BECAUSE THEIR MAIN OFFICES NUMBER WILL NOT TAKE MY COLLECT CALL'S... AND MR. LESTER SINKLE, PLACED ANDREA, MONSEES, AND PUBLIC (10) DEFENDER MIS. LYNN, WILSON,

ON MAY 14TH. 2008. Ms. Lynn Wilson, STATED TO MR. M. Rivera. THAT SHE FILED A MOTION TO REMOVE HER SELF FROM THE CASE NO:06-2788, WITHOUT MR. RIVERA. EVEN KNOWING SHE WAS P.D. ATTORNEY ON MY CASE, SHE STATES THERE ISN'T NO GROUNDS FOR AN APPEAL. do TWO P.D. ANDREA MONSEES, INEFFECTIVE ASSISTANCE OF COUNSEL, AND ALL THE OTHERS PUBLIC DEFENDERS THAT WAS ASIGNED TO YOUR CASE MR. RIVERA. YOUR CASE IS SO FAR MISSED-UP. SHE DID NOT KNOW WHAT TO DO IN MY CASE NO:06-2788. MEANING AS THE PLAINTIFF HEALTH AND SAFETY IS IN DANGER THE PUBLIC DEFENDERS IS DELAYING, AND REFUSING TO HELP HIM PROVE HIS INNOCENT AND DOING AS THE TWO JUDGES SAY AND THE STATES ATTORNEY'S OFFICES, TELLS THE P.D'S NOT TO GO CROSS STATE LINES IN THIS CASE. AND THE PLAINTIFF WAS TRANSFERRED TO NEW MEXICO A STATE PRISON THAT DO AN UNLAWFUL MEDICAL ~~THE~~ THREATMENTS AND ~~REASSE~~ RASCE STATE, THE PUBLIC DEFENDERS ATTORNEY OFFICES IS BY TIME FOR THE LEMENTIONS FOR THE BOCH POLICE REPORTS TWO RUN OUT! AND NOT TO DO AN INVESTIGATION IN BEHALF OF THE PLAINTIFF CASE LIKE ALL THE PUBLIC DEFENDERS ATTORNEY DID ASIGNED TO THE CASE, THE PLAINTIFF IS BEING THREATENED UNLAWFUL BECAUSE THE STATE AND JUDGE MR. E. F. ALIA. AND JUDGE - MS. LAWS... AND THE PUBLIC DEFENDER OFFICE MISSED THIS CASE UP AND STATING THAT THE ~~THE~~ F.B.I. DON'T HAVE NOTHING TO DO IN THIS WRONGFUL CONVICTION, AND, WRONGFUL SENTENCING, THEY ARE THE ONLY ONE'S THAT DID AN INVESTIGATION.!

ON MAY 15TH. 2008. PUBLIC DEFENDER. MS. LYNN, F. WILSON, STATED ON THE TELEPHONE CALL AT NEW MEXICO TIME 10:20AM. THAT THE POST-CONVICTION - PUBLIC DEFENDER... MS. ANDREA MONSEES, FAIL TO PROVE THAT MR. M. RIVERA. IS ILL AND NOT FIT TO STAND TRIAL BECAUSE SHE DID NOT GET NO STATEMENTS FROM ANY DOCTORS. AND THAT ANDREA, MONSEES, REPORTS DO NOT SHOW THAT SHE WAS TO DO INVESTIGATION IN YOUR CASE NOR CONTACT NO JURY WITNESS'S NOR CALL FL... MEANING SHE UNDER MINDED Miguel Rivera #64650 YOUR CASE INEFFECTIVE, AND pro, se.

THE F.B.I. IS THE ONLY POLICE THAT INVESTIGATED THIS CASE, DO TO THE CHICAGO, POLICE DEPT.!

ON MAY 16TH. 2008. I, M. RIVERA HAVE RECEIVED PUBLIC DEFENDER'S MS. LYNN, F. WILSON, MOTION. IN THE PLAINTIFF THIS CAUSE THIS PUBLIC DEFENDER IS SHOWING ~~THE~~ TRUE FAIRER ON EVERY PUBLIC DEFENDER FA (1) JUDGE APPOINTED AND TRIAL ATTORNEY

WHEREFORE, PLAINTIFF PRAYS THIS HONORABLE COURT TO GRANT HIS RELIEF OF WRONGFUL CONVICTION, AND WRONGFUL SENTENCING. DAMAGES IN PHYSICAL AND EMOTIONAL SUFFERING HE'S ENDURED DUE TO DEFENDANT'S ACTIONS. AND GRANT HIM AN INVESTIGATION -- APPOINTMENT OF COUNSEL OTHER THAN THE PUBLIC DEFENDERS OFFICES, PROBONO LAW COUNSEL OR FROM THE WRONGFUL CONVICTION CENTER, FOR THE PLAINTIFF? DUE TO THE PUBLIC DEFENDER FAILER RETALIATION, NEGLIGENCE, RETALIATORY ACTIONS. DOUBLE JEOPARDY, AND GRANT PLAINTIFF PRELIMINARY HEARING REPORTS, IN FURTHER SUPPORT ALL DEFENDANTS DENIED DISCOVERY -- ALL POLICE REPORTS DENIED TO PROVIDE THE SAME OF PLAINTIFF MODEL MENTAL HEALTH ISSUES IN STATE COURT,

NO JURY TRIAL DEMANDED. 33

RELIEF

\$200,000.00 JOINTLY AND SEVERALLY AGAINST DEFENDANTS NAMED JUDGE. MR. E. FIALA, ATTY. MR. F. EDWARDS, DET. ROBERT, CLEMENS, DET. KAREN, SKIPPER, STATES ATTORNEYS -- DAN, TIBRNAN, -- ARUNAS, BUNTNAS, JUDGE. MS. C. LAWS, F.B.I. -- THE JEFF, CHIEF OF THE FORT MYERS FLORIDA. STATES ATTY. OFFICES, PUBLIC DEFENDER MELYN, WILSON, \$50,000.00 JOINTLY AND SEVERALLY AGAINST DEFENDANTS NAMED ABOVE FOR WRONGFUL CONVICTIONS AFTER BEING REMOVED AS COUNSEL MONICA, JOHNSON, AND REFUSING TO DO INVESTIGATION OF SAID CASE TODD. A. SHANKER, ANDREA, MONSEES, CHIEF OF PUBLIC DEFENDERS - VICKI ROGERS, ALL COUNSEL: WERE INEFFECTIVE. \$28,000.00 JOINTLY AND SEVERALLY AGAINST DEFENDANTS. CLAUDIA M. LEMON, FOR TAMPERING TRIAL TRANSCRIBE AT TRIAL FOR JUDGE. FIALA, AND DONALD, CARSON, FOR WRONGFUL TESTIMONY AND PERJURY AT TRIAL. AND HEATHER, CARSON,

TO ISSUE THAT COVERAGE OF PROCEEDINGS BE PLACED ON COURT-T.V. SO TAX PAYERS CAN ACTUALLY WITNESS WHERE THEIR HARD-EARNED MONEY HAS WENT TO PAY INDIVIDUALS WHO BELITTLE, UNDERDERMIND THE LAW AND COURT. AND CARELESS ABOUT THE REHABILITATION OF THE SAFETY OF OFFENDERS. AND THAT PLAINTIFF TO BE RELEASED, OR GIVEN A NEW TRIAL.

I DECLARE UNDER PENALTY OF PERJURY ALL FACTS GIVEN ARE TRUE AND CORRECT.

SIGNED THIS DAY ____ OF ____, 2008

/s/ Miguel Rivera #64650

PRO-SE, SIGNATURE OF PLAINTIFF

MIGUEL RIVERA #64650

Penitentiary of
New Mexico
4311 State Hwy P.O.
Box 1059 (1), Santa Fe, 87508-1530

CHACO FLUMERA P.O. #4-F-102

PO BOX #1328

LOTUNAS, NM 87031

DECLARATION UNDER PENALTY OF PERJURY.

THE UNDERSIGNED declares under Penalty of Perjury that he/she is the applicant in this action, that he/she has read this Petition and that the information herein contained in this Petition is true and correct. 28 U.S.C. § 1746; 18 U.S.C. § 1621.

Penitentiary of New Mexico, 4311 State Hwy P.O. Box 1059
EXECUTED AT: ~~EDWARD GARCIA/APA-1-B-544, P.O. BOX DRAWER #1329~~
~~Los Lunas, NM 87031.~~
Santa Fe, NM 87508-1530. 1/12/08

Is. Miguel Rivera #64650
APPLICANT'S ORIGINAL SIGNATURE.
OF PRO. SE,